

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

JOSEPH M. JACKSON,)	
)	
Petitioner,)	
)	
vs.)	No. CIV-20-826-C
)	
JIMMY MARTIN,)	
)	
Respondent.)	

MEMORANDUM OPINION AND ORDER

Petitioner has filed a “Motion to Alter or Amend for Supplemental Amendment” and an “Amended Motion to Alter or Amend for Supplemental Amendment.” Both documents seek reconsideration of the Court’s recent Order dismissing Petitioner’s 28 U.S.C. § 2241 action. The Motions are premised on Fed. R. Civ. P. 59(e), 60, and 15.

Petitioner’s Amended Rule 59 Motion is untimely. As the Court explained in denying Petitioner’s Motion for Extension of Time to file the present Motion, Fed. R. Civ. P. 59(e) sets a deadline of 28 days from the date of judgment to file a motion to alter or amend. Here, Judgment was entered on November 3, 2020. Thus, Petitioner’s Motion, which was filed on December 8, 2020, is untimely and the Court cannot consider it. The original Motion will be addressed below.

To the extent Petitioner relies on Rule 15, his request is untimely as he cannot amend or supplement the allegations of his Petition after judgment is entered. See The Tool Box, Inc. v. Ogden City Corp., 419 F.3d 1084 (10th Cir. 2005).

Finally, to the extent Petitioner's original Rule 59 Motion and both Motions, to the extent they rely on Rule 60, fail as the majority of issues he seeks to raise were considered and rejected by the Court. Thus, those arguments are second and successive and the Court could consider them only if Petitioner first obtains a Certificate of Appealability. See 28 U.S.C. § 2244. To the extent Petitioner raises new claims, each could have been presented in his original argument and so they will not be considered now absent authorization. See 28 U.S.C. § 2244(b).

Accordingly, Petitioner's "Motion to Alter or Amend for Supplemental Amendment" (Dkt. No. 13) and his "Amended Motion to Alter or Amend for Supplemental Amendment" (Dkt. No. 14) are DENIED.

IT IS SO ORDERED this 17th day of December 2020.


ROBIN J. CAUTHRON
United States District Judge